



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 10 2008

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested

Certified Mail #7004-2510-0004-2241-8491

In Reply Refer to:

EPA File No. 05R-06-R4

Enoch Hagans
Title VI Action Committee



Re: Rejection of Administrative Complaint

Dear Mr. Hagans:

This letter is in response to your administrative complaints filed with the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) on May 22, 2006, June 6, 2006, June 23, 2006, and July 21, 2006. Since the four letters all pertain to actions by the same recipients, they were combined and reviewed as one complaint. The complaint alleges that the City of Clarksville and the Tennessee Department of Environmental Conservation (TDEC) have violated Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. § 2000d *et seq.*, and EPA's nondiscrimination regulations found at 40 C.F.R. Part 7.

Pursuant to EPA's nondiscrimination regulations, OCR conducts a preliminary review of administrative complaints for acceptance, rejection, or referral. 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's nondiscrimination regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that violates EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, or disability). Third, it must be filed within 180 calendar days of the alleged discriminatory act. Finally, the complaint must be filed against an applicant for, or recipient of, EPA assistance that allegedly committed the discriminatory act.

Your complaint alleges that TDEC and the City of Clarksville violated Title VI and EPA's nondiscrimination regulations when:

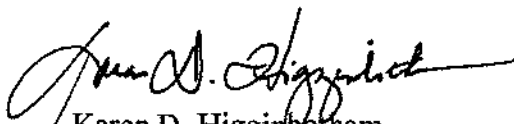
- (1) TDEC refused to conduct a compliance review of the City of Clarksville, and
- (2) The City of Clarksville did not:
 - (a) designate a Title VI coordinator,
 - (b) establish any Title VI policies or procedures, and
 - (c) report any civil rights, discrimination or Title VI lawsuits filed against them to the proper authorities.

EPA's nondiscrimination regulations allow the filing of complaints by those who feel they have been "discriminated against in violation" of the regulations. 40 C.F.R. § 7.120(a). While your complaint alleges possible noncompliance with the procedural requirements for recipients of EPA financial assistance, it does not describe any discriminatory acts taken by the alleged recipients which violate EPA's regulations. Since the allegations discussed in your complaint do not meet the jurisdictional requirements described in EPA's nondiscrimination regulations, OCR must reject your complaint for investigation.

Previously, on May 17, 2005, the Title VI Action Committee filed a Title VI administrative complaint with OCR. The complaint alleged that the Tennessee Department of Environment and Conservation (TDEC) and the City of Clarksville were not in compliance with Title VI and EPA's Title VI implementing regulations. EPA rejected your 2005 complaint (EPA File No. 08R-05-R4) by letter dated November 15, 2005. Your 2005 complaint essentially raised the same issues described in your 2006 complaint. Compliance with the procedural requirements of EPA's nondiscrimination regulations is mandatory for all EPA recipients. However, please be aware that noncompliance by itself does not constitute discrimination.

If you have any questions about this letter, please contact Karen Randolph of the OCR External Compliance Program by telephone at (202) 343-9679, via electronic mail at Randolph.Karen@epa.gov, or by mail at: U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460-1000.

Sincerely,



Karen D. Higginbotham
Director

cc: Stephen G. Pressman, Associate General Counsel
Civil Rights & Finance Law Office (MC 2399A)

Nancy Tommelleo, Title VI Coordinator
EPA Region 4